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Supreme Court, U. S.
FILED
MAY 15 1972
MICHAEL RODAK, JR., CLERK

No. 71-1214

In the Supreme Court of the United States

OCTOBER TERM, 1971

SIDNEY STEIN, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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MEMORANDUM FOR THE UNITED STATES

After a jury trial in the United States District Court for the Southern District of New York, petitioner was convicted on two counts of having conspired (18 U.S.C. 371) to violate the anti-manipulation provisions of the Securities Exchange Act of 1934, and of unlawful securities manipulation (15 U.S.C. 78ff(a) and 78i(a)(2)). On September 16, 1971, he was sentenced to two years' imprisonment on the conspiracy count and placed on five years'

probation on the substantive count. He was also fined $10,000 on each count.

Petitioner's speedy trial contention is fully answered in the thorough opinion of the court of appeals. That court, in addition to finding justification for, and lack of prejudice from, the delay of which petitioner complains, also predicted its denial of the claim on the lack of a demand by petitioner or his counsel for trial. Since claims similar to those raised by petitioner are involved in *Barker* v. *Wingo*, No. 71-5255, this Term, certiorari granted January 17, 1972,[1] this Court may wish to defer consideration of this case until *Barker* is decided.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

MAY 1972.

[1] We have filed an *amicus curiae* brief in *Barker* v. *Wingo*.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1972 465644 739